

Before the
Federal Communications Commission
Washington, DC

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In the Matter of

Amendment of Section 202(b),
Table of Allotments,
FM Broadcast Stations
(Blackduck, Minnesota)

) MM Docket No. 99-78
)
)
) RM-9478
)
)

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MAY 10 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

COUNTERPROPOSAL

De La Hunt Broadcasting ("DeLaHunt"), by its attorney, hereby submits the following counterproposal to the Notice of Proposed Rule Making, DA 99-535 (Chief, Allocations Branch, March 19, 1999), adopted in this proceeding. DeLaHunt hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Blackduck, MN	252C2	252C2, 283A
Kelliher, MN	—	221A

In support thereof, the following is stated:

Community Religious Broadcasters ("CRB") has proposed to allot both Channels 221A and Channel 283A Blackduck, Minnesota. As conceded in its Petition, Blackduck already is served by an existing FM frequency, Channel 252C2. The grant of CRB's proposal would result in three frequencies being assigned or allotted to the same community. This is despite the fact according to the most recent U.S. Census Data available for the area, that the entire population of Blackduck consists only of 787 persons.

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Under DeLaHunt's proposal, one of the channels proposed for use at Blackduck would be instead assigned to Kelliher, Minnesota. Kelliher, Minnesota, does not currently have any broadcast service assigned to it.

Under the Commission's established allotment criteria set forth initially in Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982), the following allotment priorities have been established:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters;

Co-equal weight is given to priorities (2) and (3). In light of the fact that a Class C2 frequency already is assigned to Blackduck, there is no likelihood that either "first full-time aural service" or "first local service" will be provided by CRB's proposal, and there has been no claim that a "second full-time aural service" will be provided by CRB's proposal.¹ Thus, CRB's proposal will not satisfy any of the conventional allotment priorities. In contrast, DeLaHunt's proposed allotment to Kelliher will provide Kelliher with its *first local service*, in furtherance with Priority Three of the FCC's allotment priorities.

As required, this proposal is mutually-exclusive with the Channel 221A/Blackduck proposal contained in RM-9487, and therefore qualified as a valid counterproposal. Service with

¹ Although CRB claims that providing "second and third local FM service" is recognized as a "priority two" factor that is "second only to first local service" (Petition 1-2), in actuality, it is "second full-time aural service" that is second only to "first full-time aural service." No specific priorities are given to "competitive local service" as proposed by CRB.

the instant proposal at the proposed coordinates will provide full city-grade service to the community of Kelliher, Minnesota.

WHEREFORE, it is respectfully requested that this Counterproposal be adopted, and the Commission request comment on the proposal contained herein.

Respectfully submitted,

DE LA HUNT BROADCASTING

By: 

Dan J. Alpert

Its Attorney

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May 10, 1999

ENGINEERING STATEMENT

This engineering statement and attached exhibit have been prepared for Edward P. De La Hunt, and are in support of his comments on proposed rulemaking RM-9487.

The proposed rulemaking RM-9487 proposes to allocate channel 221A as a second or third FM broadcast service for the community of Blackduck, Minnesota, population 747.

In keeping with the Commission's desire to provide a local voice to communities, channel 221A can be allotted as a first FM broadcast service to Kelliher, Minnesota, population 366.

A study has been performed which shows that relocating the allocation to Kelliher, Minnesota would not interfere with any other existing or proposed allocation.

It is respectfully requested that the table of FM allotments, 47 CFR 73.202(b), be amended as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Blackduck, Minnesota	252C2	252C2.283A
Kelliher, Minnesota	-----	221A

Single Channel Study For: KELLIHER, MN On Ch. 221 A - 92.1 Mhz.

States Searched: MN, ON, IA, ND, SD, ON
Run Date: 05-10-1999

47° 56' 30" N.
94° 26' 53" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
218	NO CONFLICT				
219	NO CONFLICT				
220 NEW	APP International FMN	A	102.53 (63.71)	72	46.50
221	ADD Blackduck	MN A *	24.70 (15.35)	115	197.70
222	NO CONFLICT				
223	NO CONFLICT				
224	NO CONFLICT				
274	NO CONFLICT				
275	NO CONFLICT				

*-Short Spaced

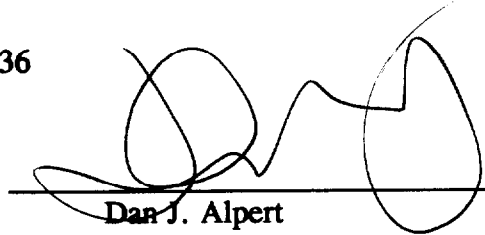
Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database obtained directly from the Federal Communications Commission. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that on May 10, 1999 the foregoing document is being served by First Class Mail, postage prepaid, to the following persons:

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Dan J. Alpert